APPENDIX

ACT 13

AN ACT FOR THE BETTER REGULATION OF PUBLIC SCHOOLS IN CITIES AND TOWNS

Acts 1869, Pages 20-28

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That any incorporated city or town in this State, including the territory annexed thereto for school purposes, may be organized into and established as a single school district in the manner and with the powers hereinafter specified.

SECTION 2. *Be it further enacted,* That, upon the written petition of twenty voters of such city or town, praying that the sense of the legal voters of said city or town may be taken on the adoption of this act, for the regulation and government of the public schools therein, it shall be the duty of the mayor of such city or town, within five days after the presentation of such petition, to designate and fix a day not less than seven nor more than fifteen days distant, for holding an election in said city or town for that purpose, and also for the election by ballot at the same time of a board of six school directors for said city or town. The mayor shall cause notice of said election to be given by posting notices in at least five public places in said city or town, and by one insertion in such newspapers as may be published in said city or town. The electors at said election desiring to vote in favor of the adoption of this act, shall have written or printed on their ballots "For the School Law," and those opposed thereto, shall have written or printed on their ballots "Against the School Law," and, if a majority of the ballots cast at said election shall be "For School Law," then, and in that case only, shall such city or town be deemed and held to be a single school district under and in pursuance of this act, and the directors voted for and elected at said election shall qualify and enter upon the discharge of their duties as hereinafter provided. Said election shall be held at the same places and conducted in the

same manner as elections for municipal officers of said city or town, and the returns of said election shall be made to the mayor and aldermen of said city or town, who shall declare the result of said election; and, if this act is adopted, they shall cause notice to be given to the persons elected directors, and immediately after receiving notice of their election and taking the oath of office required of school trustees, (which oath shall be filed with the clerk or recorder of said city or town), said directors shall meet, and, by lot, determine the length of time of their respective terms of office. Two shall serve until the third Saturday in December next after their election, two for one year thereafter, two for two years thereafter, and on the third Saturday in December next after the first election, and annually on that day thereafter, there shall be chosen, in the same manner, two directors, who shall serve for three years and until their successors are elected and qualified. Said board shall fill any vacancy that may occur therein until the next annual election for directors, when such vacancy shall be filled by election.

SECTION 3. *Be it further enacted,* That said board of directors shall organize by choosing from their own number a president and secretary, who shall hold their offices until the last Saturday in December, and annually on that day said board shall meet and elect from their number a president and secretary.

SECTION 4. *Be it further enacted,* That said board of directors shall hold a regular meeting on the last Saturday in each month, and may hold stated meetings at such other times and places in said district as they may appoint; that four members of said board shall constitute a quorum, but a less number may adjourn from time to time; that special meetings thereof may be called by the president, or by any two members of the board, on giving one day's notice of the time and place of the same, and in case of the absence of the president at any meeting of the board, a president *pro tempore* shall be chosen. The office of any member of said board, as such, who shall, without good cause, fail to attend three consecutive monthly or stated meetings of said board, may be declared vacant by the board. The board

may make rules and regulations for their own government, and for the dispatch and regulation of the school business and affairs of the district, not inconsistent with law.

SECTION 5. *Be it further enacted,* That said board of directors shall have power to purchase or lease school-house sites; to build, hire or purchase school houses, and to keep in repair and furnish the same with the necessary seats, desks, furniture, fixtures and fuel, and to insure the same; to fence the school grounds, erect out-houses, provide wells, and make all other improvements on the schoolhouse grounds, and school-houses belonging to the said district, necessary and proper for the comfort, convenience and health of scholars, and the preservation of said property; to hire teachers for all public schools of the district; employ a superintendent of the schools, who may also be principal of any graded or high school that said board may establish; to provide books and apparatus for the schools, and the necessary blank books and stationery for the board and school registers, and the blanks for the teachers; to establish and maintain a sufficient number of primary, graded or high schools, to accommodate all the scholars in said district; to determine the branches to be taught, the textbooks to be used in the several schools of the district not to be in conflict with the recommendations of the State Board of Education in that respect; to admit pupils not belonging to the district on such terms as they may agree upon with the parents or guardians of said pupils, or the district from whence they came; to appoint a board of three visitors and examiners for the schools of the district; which board shall examine persons applying to teach in any of the schools in said district; *Provided,* No teacher shall be employed who does not hold a certificate from the State or circuit superintendent, to examine, from time to time, the books and the accounts of the county treasurer, so far as the same relate to the several school funds belonging to the district; to levy a tax on their district to raise a fund or funds to carry into force and effect the powers herein granted; and when, in the opinion of a majority of the members of said board, the best interests of the district demands a sale or exchange of any real estate or school-house site belonging to the district, they

may sell or exchange the same, the deed therefor to be executed by the president of the board, upon a majority vote of the whole board of directors, authorizing and directing such sale or exchange.

SECTION 6. *Be it further enacted,* That it shall be the duty of said board, as soon as the means of that purpose can be provided, to establish in said district an adequate number of primary schools, so located as best to accommodate the inhabitants thereof; and it shall be the further duty of said board to establish in said district a suitable number of other schools of a higher grade or grades, wherein instruction shall be given in such studies as may not be provided for in the primary schools; the number of schools, the grades thereof, and the branches to be taught in each and all of said schools, to be determined by said board. It shall be the duty of said board to keep said schools in operation not less than three nor more than ten months in each year. The said board shall have power to make and enforce all necessary rules and regulations for the government of teachers and pupils in said schools. Said board shall also separately or collectively, together with such persons as they may appoint or invite, visit the schools in the district at least twice in each year, and observe the discipline, mode of teaching, progress of the pupils, and see that the teachers keep a correct register of the pupils, embracing the periods of time during which they attend school, the branches taught, and such other matters as may be required by law or the instructions of the circuit or State superintendents.

SECTION 7. *Be it further enacted,* That said board shall annually, and in time for the county court to levy the tax and enter it on the tax-books for the year for which the estimate was made, determine the amount of money that will be required in said district for the support of schools for the current year, and for the purchase of school-house sites and erection of school-houses, and for all other school purposes during that year; and in making said estimate, said board shall put down the amount estimated to pay teachers, separate from the estimate for all other purposes, and the amount so estimated to pay teachers shall be called the

"Teachers' Fund," and the amount estimated for all other purposes shall be known as the "School House Fund"; and the amount estimated for "Teachers' Fund" shall not, when collected, be paid out or disbursed for any other purpose than the payment of teachers; and the amount estimated for "Teachers' Fund" and for "School-house Fund" shall be certified by the secretary of the board to the county treasurer, and said treasurer shall separate the funds belonging to said district in accordance with said certificate, and shall keep with each of said funds a separate account, and shall not pay any draft or warrant out of any funds other than that on which it is drawn, and shall not pay and draft or warrant that does not specify the fund on which it is drawn, and the use to which it is to be applied; the said board shall, at the same time, estimate the per centum of tax on the taxable property of the district necessary to raise a fund which, with the fund to be apportioned to the district from the general school fund of the State, will produce the amount of money required in the district for that year, which estimated per centum shall be certified to the county court by the president and secretary of the board; and the per centum of tax thus certified shall be levied by the county court upon all the property in the district subject to taxation, at the same time the county taxes are levied, and shall be collected in the same manner as the county taxes are collected, at the same time and by the same officer, and paid into the county treasury, there to be kept subject to disbursement on the order of the board upon warrants signed by the president and countersigned by the secretary, as hereinafter provided. Cash or United States currency only shall be received in payment of such school tax.

SECTION 8. *Be it further enacted,* That no draft or warrant shall be drawn on the county treasurer except in pursuant of an order of said board; that all drafts or warrants on the treasurer shall be signed by the president, or president pro tempore, and the secretary; and all drafts and warrants shall specify the fund on which they are drawn and the use for which the money is assigned.

SECTION 9. *Be it further enacted,* That the secretary shall record all the proceedings of the board in books kept

for that purpose, shall make and preserve copies of all reports required by law to be made to the State or circuit superintendent of public instruction; shall file all papers transmitted to him pertaining to the business of the district; shall make, or cause to be made, the annual enumeration of the youth of the district in the time and manner required by law of school trustees, and shall perform such other duties as the board of directors may order and direct; and for his services may be allowed reasonable compensation, to be audited and allowed by a majority of said board. The other members of said board shall receive no compensation for their services.

SECTION 10. *Be it further enacted,* That the title of all real estate and other property belonging, for school purposes, to any city or town organized into a separate school district under this act, shall vest, and hereby is vested, in said city or town, as a school district, and shall be under the management and control of the board of school directors for said district as fully and completely as other school property belonging to said district.

SECTION 11. *Be it further enacted,* That all school districts formed under and governed by this act, shall be known by the name of the city or town constituting the district, with the words "School District of" prefixed thereto; (as, for example, "School District of Little Rock,)" and by such name may sue and be sued, contract and be contracted with, purchase, acquire, hold and sell property, receive gifts, grants and bequests, and generally shall possess and enjoy all the corporate powers usually possessed by bodies corporate of like character. The style of the board of directors for school districts under this act shall be "Board of School Directors."

SECTION 12. *Be it further enacted,* That the board of school directors of any city or town that may organize under and in pursuance of this act, prior to the first day of March, 1869, shall levy a tax for school purposes on said district for the year 1868, and shall determine the amount of money required, and estimate the per centum of tax and certify the same to the county court in the manner provided in this

act; and if the estimate of said board of the per centum should for any cause not be certified to the county court in time for that court to levy the same and enter it on the general tax books for that year, it shall be the duty of said court to levy said tax and enter the same on a special tax book, which shall be provided by the county court for that purpose; and said tax, so levied, shall be collected in all respects in the same manner as though it had been entered on the general tax books or roll for that year; and, in any city or town which may adopt this act, and levy, as in this section provided, a school tax for the year 1868, under this act, all taxes levied for that year for school purposes by vote of the electors or certified by trustees of the several districts which shall be embraced within the district organized under this act, shall be superseded and annulled, and shall not be collected; and the board of school directors of any district organized under this act shall pay and discharge all debts and liabilities lawfully incurred by the several school districts existing under previous law and embraced in the district organized under this act.

SECTION 13. *Be it further enacted,* That any person elected a director under the provisions of this act who shall fail to take the oath of office and qualify as herein required, or who, after qualifying as such director, shall fail to perform and discharge the official duties incumbent upon him as a director, under the provisions of this act, shall be liable to the same penalties that now are or may be hereinafter provided by law against trustees of school districts for failing or refusing to qualify, or for neglect of official duty.

SECTION 14. *Be it further enacted,* That the board of directors may fix the term of office and define the duties of the board of visitors and examiners of the public schools in their district, and any person appointed by the board of directors a member of said board of visitors and examiners who shall refuse to act as such, and discharge the duties pertaining to such position, shall forfeit and pay to said district the sum of twenty-five dollars, to be recovered in civil action in the name of said district, and added to the "Teachers' Fund" belonging to said district; *Provided,* That no

person shall be compelled to serve in that capacity more than three consecutive years. Said board of visitors and examiners shall receive no compensation for their services.

SECTION 15. *Be it further enacted,* That all school districts organized under this act shall have and receive their full proportion and distributive share of the general school fund of the State, in the same manner and according to the same rule as it is, or may be, apportioned to other districts.

SECTION 16. *Be it further enacted,* That it shall be the duty of the circuit and State superintendents to make such suggestions and recommendations to the board of directors in relation to organizing and conducting the public schools in the districts organized under this act, as they shall deem important, and (in accordance with) the provisions of the general school laws of the State which are now or may hereafter be (in force) when not inapplicable, and, so far as the same are not inconsistent with and repugnant to the provisions of this act; and such provisions of said law as are inconsistent with and repugnant to the provisions of this act, and inapplicable to districts organized thereunder, shall have no operation, force or effect in such districts.

SECTION 17. *Be it further enacted,* That the circuit superintendent shall annex contiguous territory to single school districts, under the provisions of this act, when a majority of the legal voters of said territory and the board of directors of said single district shall ask by petition that the same shall be done.

SECTION 18. *Be it further enacted,* That this act take effect and be in force from and after its passage.

APPROVED, February 4, 1869.

ACT 50.

Acts 1873, Page 109

AN ACT authorizing school districts, under an act entitled "An act for the better regulation of public schools in

cities and towns," to issue bonds for building school houses, and for other purposes.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. The board of school directors of any school district in this state, organized or to be organized under the provisions of an act entitled "An act for the better regulation of public schools in cities and towns," approved February 4, 1869, shall be authorized to issue the bonds of their school district for such an amount and in such sums as they may deem necessary and expedient, for the purpose of building, furnishing or repairing school houses in such school district; the bonds so issued to bear interest at the rate of eight per centum per annum, and to be payable within five years of the date of their issue, in such installments as the board of school directors shall determine; *Provided,* That no such bonds shall be issued by the board of school directors of any school district in this state unless a majority of the legal voters in such school district shall vote in favor of such issue.

SECTION 2. The bonds issued under the provisions of the first section of this act shall be signed by the president and countersigned by the secretary of the board of school directors, and shall first be offered for sale at public auction at some convenient place in the school district for which they may be issued, after first giving not less than twenty days' notice of the time and place of such sale by publication in a newspaper published in such school district, if any such there be; otherwise by written or printed notices, posted in at least three conspicuous places in such school district. If such bonds are not all sold at such public sale, then the balance remaining unsold may be sold at public or private sale, as the board of school directors may determine; *Provided,* That no bonds issued under the provisions of this act shall be sold either at public or private sale at a less price than ninety cents on the dollar of their par value.

SECTION 3. Whenever the bonds of any school district shall be issued and sold under the provisions of this act, it shall be the duty of the president and secretary of

the board of school directors of such school district to make a certified statement of the dates and amount of such bonds, and the date or dates at which the same will become due and payable. Said certified statement shall be filed in the office of the clerk of the County Court for the county in which such school district may be, and each year thereafter the County Court shall, at the time of levying county taxes, levy a rate on the taxable property of such school district, in addition to the amounts levied for ordinary school purposes, to raise an amount of money sufficient to pay such amounts as may become due and payable on such bonds during the succeeding year, and the tax so levied shall be collected by the collector and paid over to the county treasurer, to the credit of such school district, in United States currency, and the county treasurer shall keep such fund separate from all other funds in his hands, and shall only pay the same on the order of the board of school directors, drawn for the purpose of paying such bonded indebtedness of such school district; and the board of school directors of such school district shall not draw any order on the treasurer, payable out of such fund, for any other purpose, until all of said bonded indebtedness shall have been paid and canceled.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 16, 1873.

ACT 46.

Acts 1875, Pages 54-82

AN ACT to be entitled "An Act to Maintain a System of Free Common Schools for the State of Arkansas."

SECTION 87. That an act entitled "An Act to maintain a system of free schools for the State of Arkansas," approved April, one thousand eight hundred and seventy-three (1873), and all other acts, and parts of acts, inconsistent with this act, are hereby repealed; *provided*, that nothing herein contained shall be construed to interfere with the organization of single or special school districts, as con-

stituted by sections five thousand five hundred and fifteen (5,515), to five thousand five hundred and thirty-seven (5,537), inclusive, of Gantt's Digest, the same being for the better regulation of schools in cities and towns.

SECTION 88. That this act take effect and be in force from and after its passage.

Approved December 7th, 1875.

ACT 248 OF 1905

Said Act 248 is found in the Acts of 1905, page 651. Said act consists of four sections and is as follows:

SECTION 1. That all special school districts in Arkansas are hereby authorized and empowered, for the purpose of raising funds for the erection and equipment of necessary school buildings, to borrow money and to mortgage the real property of the district as security therefor, under such conditions and regulations as to time, amount, rate of interest and manner of payment as the Board of School Directors of said school district shall prescribe, and to renew and extend from time to time any evidences of indebtedness or mortgages, or both, issued or made by virtue hereof.

SECTION 2. The said evidences of indebtedness, whether warrants or promissory notes, or both, and mortgages, shall be in form in all respects as other instruments of like kind are required by law to be, and shall have the same force and effect as they would if executed by natural persons, and the warrants shall have the same validity as they would if there were money in the county treasury to pay the same at the time they were drawn, and may be drawn payable in the future, and need not be registered with the county (treasury) until the time for payment, but shall be drawn upon the building fund and paid out of it in the order of their date, as the building fund is provided and collected by successive levy and collection, and said special school districts shall be allowed in law or equity no defense merely by reason of the fact that it is a school district.

SECTION 3. Nothing in this Act shall be so construed as to prevent or cut off from any such school districts any right in law or equity which a natural person might claim and assert in like circumstances, and in any action by or against said districts arising on any instrument or contract made under this Act, the district shall, as far as practicable, be deemed and treated as natural persons.

SECTION 4. This Act shall take effect and be in force from and after its passage. All laws and parts of laws in conflict therewith are hereby repealed. Provided, however, that Jefferson County is exempt.